

**Village of Cazenovia  
Zoning Board of Appeals  
Meeting Minutes  
December 29, 2015**

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Present: Phil Byrnes, Chair; William Keiser; Jane Nicholson-Dourdas; and Sally Ryan.

Absent: Lynn Hart.

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Others present: James Stokes, Village Attorney; and Dan Kuper.

P. Byrnes called the meeting to order at 7:00 p.m. and introduced the Board.

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P. Byrnes brought up the application that was considered at the ZBA’s last meeting on August 25, 2015: Benjamin and Erin Cook, 20 Forman Street, an area variance for a fence. Since Madison County Planning Department’s comments had not yet been received and there were contingencies, the Board needs to ratify what was done at that meeting:

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*P. Byrnes made the motion to grant the variance contingent upon County review. Based upon the Board’s findings that there is no detriment to the community and the benefits to the applicant outweigh the detriments. The Board grants the variance with the following conditions: The approximate 8-foot long section of fence on Forman Street shall be no higher than 6 feet. The fence running along the property line between the applicant’s property and the Brae Loch and Town Offices shall not exceed 9 feet in height. If the applicant wants to use a shorter height, that is permissible. Materials shall be of a horizontal design as approved by the Historic Preservation Committee (HPC). J. Nicholson-Dourdas seconded the motion. The roll call vote produced the following results: L. Hart aye, W. Keiser aye, J. Nicholson-Dourdas aye, P. Byrnes aye. The motion carried with 4 in favor, 0 opposed.*

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The ratifying roll call vote was: S. Ryan aye, W. Keiser aye, J. Nicholson-Dourdas aye, P. Byrnes aye. The motion carried with 4 in favor, 0 opposed.

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P. Byrnes made the motion to approve the minutes of August 25, 2015, as submitted. W. Keiser seconded. The motion carried with 4 in favor, 0 opposed.

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**Cazenovia Hospitality, Sign for Hampton Inn by Hilton**

P. Byrnes opened the public hearing. Dan Kuper came forward to explain. When the hotel was approved by the Planning Board, no sign was approved. The Planning Board’s resolution stated the following:

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*AND IT IS HEREBY FURTHER RESOLVED, that no approval of any signs is included in this resolution. All requests for sign approvals shall be the subject of a future submission to this Board.*

- 50 Mr. Kuper stated that a directional sign was approved by the Planning Board at its December 14, 2015, meeting. This application is for a building mounted sign that faces Route 20. It will be lit by 4 gooseneck lights on the building.
- P. Byrnes noted that the top of the lettering will be 47 feet from the ground and the Code only allows  
55 20 feet from ground level.
- P. Byrnes read a letter from Kurt Wheeler, Mayor, about the height of the building and why it is so tall. The height of the building was based on the Historic Preservation Committee (HPC) and Cazenovia Preservation Foundation (CPF) input to include a more traditional sloped roof.  
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- P. Byrnes asked Mr. Kuper if the sign could be moved to the side of the building, which would lower the sign and change the sign design to make it smaller. Mr. Kuper pointed out that if another building were to be built next to the hotel, it would obstruct the sign.
- 65 P. Byrnes noted that this application was sent to the Madison County Planning Department on December 16 and they have 30 days to respond. As of tonight's meeting, no comments have been received from them. The Board can discuss the sign proposal tonight, but cannot act upon it. Therefore, another hearing date will be needed.
- 70 P. Byrnes inquired if the gooseneck lights would be illuminated all night. Mr. Kuper answered yes and they will go off in the morning and not be on in the day. They will be on a timer.
- P. Byrnes observed that the sign will not be seen very well when traveling from the east. Mr. Kuper commented that the directional sign at the entrance next to Route 20 will help.  
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- W. Keiser expressed his concern about setting a precedent by approving such a large and high sign. Mr. Stokes said the Board needs to state specifics if they are going to grant a variance.
- J. Nicholson-Dourdas asked if there is an option to put the sign on the conference center. Mr. Kuper  
80 stated that Hilton does not consider the conference facility to be part of the hotel so it cannot be located there. In addition, a sign there would look strange.
- J. Nicholson-Dourdas asked about the height of the lettering. P. Byrnes answered 2 feet 10 inches and the Code allows lettering to be 3 feet tall. The sign can be 8% of the face or 75 square feet.  
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- Mr. Kuper added that the sign would be 438 feet from Route 20. The sign is compliant, except for how far it is above the ground.
- J. Nicholson-Dourdas inquired about the color of the lettering. Mr. Kuper answered that Hilton has  
90 a dark red for their corporate color.

Since there was no public comment, P. Byrnes made the motion to close the public hearing. W. Keiser seconded. The motion carried with 4 in favor, 0 opposed.

95 P. Byrnes explained there are five criteria the Board needs to consider:

- 100 1. *Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?* All four members answered no. S. Ryan commented that the hotel building changed the neighborhood, but the sign will not cause much change. J. Nicholson-Dourdas added that this sign would be consistent with Tops and Rite-Aid across the street.
- 105 2. *Could the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?* All four members answered no. J. Nicholson-Dourdas noted that the directional sign was already approved by the Planning Board and there are no other options to mount it on the building. P. Byrnes said the sign is important for the way the building is configured.
- 110 3. *Is the requested area variance substantial?* All four members answered yes because the variance would be more than double of what the Code allows. S. Ryan agreed with W. Keiser’s concern about setting a precedent. P. Byrnes reminded the Board that each variance request that comes before the Board is considered on an individual basis. It does not mean the next person with a similar request would be granted a variance.
- 115 4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?* All four members answered no. As was mentioned previously, the building is already there and this sign will not make an impact.
- 120 5. *Is the alleged difficulty self-created?* All four members answered yes, but the building height was requested by the community and the way it is situated on the property.

125 P. Byrnes made the motion to make a negative declaration for State Environmental Quality Review (SEQR). J. Nicholson-Dourdas seconded. The motion carried with 4 in favor, 0 opposed.

130 J. Nicholson-Dourdas made the following motion: In making its determination, the ZBA grants a variance not to exceed 27 feet. The letters shall not exceed 47 feet in height from the ground to the top of the letters. The granting of this variance is contingent upon Madison County Planning Department review and comments. The detriment, if any, is outweighed by the benefit to the applicant for the purpose of identifying the business. W. Keiser seconded. A roll call vote was: S. Ryan aye, W. Keiser aye, J. Nicholson-Dourdas aye, P. Byrnes aye. The motion carried with 4 in favor, 0 opposed.

135 P. Byrnes announced that once comments are received from Madison County Planning Department, the Board will gather again, most likely on January 19.

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- 140 P. Byrnes notified Board members of an upcoming application for 53 Sullivan Street, a sideline variance for a garage.

The next meeting was tentatively scheduled for January 19, 2016, at 7:00 p.m.

- 145 P. Byrnes made the motion to adjourn. S. Ryan seconded. The motion carried with 4 in favor, 0 opposed. The meeting was adjourned at 7:32 p.m.

Respectfully submitted,

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Marlene A. Westcott  
Recording Secretary